

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with Dianne Maggard of the United States Patent and Trademark Office by facsimile transmission on December 9, 2005 to facsimile telephone number (571) 273-0300.



David W. Hibler

41,071

(Reg. No.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEAppellant(s): Turner Jr. *et al.* (As Previously Amended) Group Art Unit: 1646

Application No.: 09/918.359

Appeal No.: 2005-1920

Filed: 07/30/2001

Examiner: J. Murphy

Title: Human Ion Channel Proteins and Polynucleotides
Attorney Docket No.: LEX-0208-USA
Encoding the Same (As Previously Amended)**WITHDRAWAL OF APPEAL**

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants acknowledge receipt of the Decision on Appeal ("the Decision") in the above-referenced matter, mailed on November 14, 2005, which has been carefully reviewed and studied. While Appellants maintain their disagreement with the rejections set forth by the Examiner, and do not agree with the decision of the Board "affirm[ing] the examiner's rejection of claims 1 and 5-9" (the Decision at page 8), Appellants hereby withdraw the present appeal (Appeal No. 2005-1920), entirely without prejudice and without disclaimer, in order to pursue claims in a continuing application, which was filed on December 9, 2005.


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Appellants believe that no fees are due in connection with this request. However, the Commissioner is authorized to charge any required fees to Deposit Account No. 50-0892.

Respectfully submitted,

December 9, 2005

Date



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Date: December 9, 2005

Phone:

Pages: 3 (including coversheet)

Re: Appeal No. 2005-1920
Application Serial Number: 09/918,359
Atty. Dkt. No. LEX-0208-USA

CC: File

•Comments:

Please find attached a Withdrawal of Appeal No. 2005-1920. Please contact me at the number shown above if there are any questions.

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